

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASEY LEE HOEY,)	
)	Civil Action No. 08 - 1751
Petitioner,)	
)	District Judge Arthur J. Schwab
v.)	
)	
BRIAN COLEMAN, Superintendent; THE)	
ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA; and THE DISTRICT)	
ATTORNEY OF THE COUNTY OF)	
WASHINGTON, PA.,)	
)	
Respondents.)	

MEMORANDUM ORDER

On December 29, 2008, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on February 10, 2009 (doc. no. 5) recommended that the Petition for Writ of Habeas Corpus be dismissed as untimely and that a certificate of appealability be denied. On February 18, 2009 (doc. no. 6), Petitioner filed Objections to the Report and Recommendation. Petitioner's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 19th day of February, 2009;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is

DISMISSED as untimely.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 5) of Magistrate Judge Lenihan dated February 10, 2009, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



Arthur J. Schwab
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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